Agenda ID# 13163 Ratesetting

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of 2013-2014 Energy Efficiency Programs and Budget (U39M).	Application 12-07-001 (Filed July 2, 2012)
And Related Matters.	Application 12-07-002 Application 12-07-003 Application 12-07-004

DECISION GRANTING COMPENSATION TO THE CALIFORNIA HOUSING PARTNERSHIP CORPORATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-11-015

Intervenor: California Housing Partnership Corporation (CHPC)	For contribution to D.12-11-015
Claimed (\$): \$15,587.50	Awarded (\$): \$15,610.00
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Todd O. Edmister

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	This decision approves a portfolio of energy efficiency	
	programs and budgets to be implemented in 2013 and 2014	
	by the Investor Owned Utilities (Pacific Gas and Electric,	
	San Diego Gas and Electric, Southern California Gas	
	Company, and Southern California Edison. Further this	
	decision approved two Regional Energy Networks (Bay	
	Area REN and SoCal REN), and one community choice	
	aggregator Marin Energy Authority (MEA). It also gives	
	guidance on the relationship between the Investor Owned	
	Utilities and the RENs and CCA.	
	The decision also gives guidance about various energy	
	efficiency programs including Energy Upgrade California	
	(EUC) (single family and multifamily, provided by RENs	
	and IOUs), Middle Income Direct Install, and the Multi-	
	Family Energy Efficiency Rebate program.	
	The decision also approves the continuation of existing	
	financing programs and sets aside funding for new	
	financing pilots currently being developed.	

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B. Intervenor must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Intervenor	CPUC Verified		
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):				
1. Date of Prehearing Conference (PHC)::	August 16, 2012	Verified		
2. Other Specified Date for NOI:	N/A	N/A		
3. Date NOI Filed:	September 12, 2012	Verified		
4. Was the NOI timely filed?		Yes		
Showing of customer or custome	er-related status (§ 1802(l	o)):		
5. Based on ALJ ruling issued in proceeding number:	A. 12-07-001 et al	Verified		
6. Date of ALJ ruling:	January 4, 2013	Verified		
7. Based on another CPUC determination (specify):	N/A	N/A		
8. Has the Intervenor demonstrated customer or custom	Yes			
Showing of "significant finance	cial hardship" (§ 1802(g))	:		
9. Based on ALJ ruling issued in proceeding number:	A. 12-07-001	Verified		
10. Date of ALJ ruling:	January 4, 2013	Verified		
11. Based on another CPUC determination (specify):	n/a	N/A		
12. Has the Intervenor demonstrated significant financia	l hardship?	Yes		
Timely request for compensation (§ 1804(c)):				
13. Identify Final Decision:	D.12-11-015	Verified		
14. Date of Issuance of Final Order or Decision:	November 15, 2012	Verified		
15. File date of compensation request:	January 14, 2013	Verified		
16. Was the request for compensation timely?		Yes		

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Intervenor's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

Contribution	Specific References to Intervenor's Presentations and to Decision	Showing Accepted by CPUC
 Focus proceeding on needs of Multifamily Sector in 2013-2014 	Reply of California Housing Partnership Corporation (CHPC) to initial responses to	Yes
CHPC network of multifamily	"Applications for Approval of the	

2013-2014 Energy Efficiency Programs and owners has indicated over the past 3 years a strong desire to conduct Budgets (U39M) and Related Matters," Filed Aug. 13, 2013 at 3, "Alternative more energy efficiency retrofits, but has also expressed difficulty in methods for outreach could include working accessing these programs. CHPC directly with low income multifamily argued that attention should residential property owners who already continue to be paid to this sector connect directly with their tenants through without delay, and that relationships resident services...Further, this would allow should begin to be forged directly for the offering of building-level services with multifamily owners in order to and approaches rather than individual best reach properties. measure, unit-by-unit approaches." Decision (D.) 12-11-015, at 73 and 74, Yes Decision identifies the need for better outreach to MF owners and recommends improvement specifically stating: "In particular, the program measures, corporatelevel outreach is needed to the largest multifamily building owners, appropriate training and certification is needed for MFEER participating contractors, and technical assistance offerings should be improved for building owners." Comments of CHPC on the "Scoping Memo Yes and Ruling," Filed September 14, 2012, at 5, "As established in the recent ESAP proceeding, the need and opportunity for investment in energy efficiency in the lowincome multifamily sector is high..." Yes Comments of CHPC on "Proposed Decision" Filed on October 29, 2012 at 4. "There are numerous potential program participants who own large, rent-restricted multifamily properties that provide homes deemed affordable to low income families and individuals by one or more government agency..." D.12-11-015 Decision Approving Yes

2013-2014 Energy Efficiency Programs and

Budgets, Issued November 15, 2012

(D.12-11-015), affirms the need for program development in the multifamily sector and acknowledges that the difficulty serving this sector at 30: SoCalREN's multi-family program pilot is approved. "It is one of five pilot proposals targeted to this market [the multi-family market] segment, including two IOU multi-family whole building pilots, a BayREN pilot, and the MEA pilot. However, because this market is extremely hard to reach, and we are open to all solutions that may succeed in delivering real savings, we approve this program for piloting in 2013 and 2014." D12-11-015, at 47, MEA's multi-family Yes energy efficiency program is approved, multi-family issues are prioritized, "PG&E comments that this program is duplicative of its multi-family offerings. However, according to our criteria above, we will allow some duplication in hard to reach markets in order to test various approaches to serving them." Comments of CHPC on "Proposed Yes Decision" Filed on October 29, 2012 at 5, "Upholding the first quarter 2013 rollout timeline will promote early developments that can improve the program and lead to achieving program benefits more quickly." D12-11-015 at 65, decision gives guidance Yes to not delay unnecessarily on financing pilots, "The next issue relates to the timeline for rollout of the pilot programs...We continue to expect rollout of the pilot programs, once finalized, by the first quarter of 2013."

	D.12-11-015 at 73, decision clarifies that the Middle Income Direct Install (MIDI) program is intended to also serve multifamily, "All of the utilities should double their number of projected participants for these programs, propose necessary associated budget increases in their compliance filings, and ensure program eligibility for customers residing in multifamily buildings."	Yes
2. Encourage all programs to incorporate a Whole Building, Performance Based approach. The multifamily sector is incredibly diverse, and to achieve the deepest and most cost-effective retrofit CHPC argued for the use of a whole building performance based approach wherever possible, including the use of ratepayer dollars to fund whole building, performance based audits.	Comments of CHPC to the "Scoping Memo and Ruling," Filed September 14, 2012 at 5, 6, and 7, "Especially for the purposes of multifamily energy retrofits, the "whole house" definition should be broad and flexible to match an audit-driven, performance-based savings strategy that feasibly meets the needs and opportunities of each specific propertyFor this reason, in addition to funding "whole house" measures, ratepayer funds would be warranted for uses such as "whole house" energy audits"	Yes
	Reply of CHPC to initial responses to "Applications for Approval of the 2013-2014 Energy Efficiency Programs and Budgets (U39M) and Related Matters," Filed Aug. 13, 2013 at 2, "The whole-building performance-based approach should be emphasized to maximize the amount of existing but not duplicative services delivered in a simplified intergrated/coordinated way."	Yes
	D.12-11-015 supports the use of audits at 37: SoCalREN and BayREN's proposals to offer audits are approved, when coupled with 3 measures "we require that any audit incentives be coupled with a requirement to actually follow through with a project involving at least three measures."	Yes

	D.12-11-015 affirms the value of whole-house audits, at 71, audit incentives also approved for IOU EUC, "We agree that whole-house diagnostic audits are often a critical element of EUC residential retrofits. Therefore, we will allow utilities and the RENs to subsidize these full-scale whole-house audits and diagnostic tests for EUC jobs if a retrofit follows that involves at least three energy efficiency measures, consistent with our requirements for the Basic or Flex Path portion of the EUC program."	Yes
3. Support integration and coordination of incentive programs with each other, and with financing offerings. CHPC argued that the best approach to reach the multi-family sector was to coordinate the various offerings, including the next financing options. CHPC used its	Response of CHPC to "Applications for Approval of the 2013-2014 Energy Efficiency Programs and Budgets (U39M) and Related Matters," Filed Aug. 3, 2013 at 5-6, "CHPC urges the Commission to see the new financing programs for the multifamily residential sector as supplementing existing services, not as supplanting them, especially for low income multifamily rental properties."	Yes
direct experience working with a low-income multi-family property in Southern California to inform these comments.	Reply of CHPC to initial responses to "Applications for Approval of the 2013-2014 Energy Efficiency Programs and Budgets (U39M) and Related Matters," Filed Aug. 13, 2013 at 2, "CHPC urges the Commission to expand on NRDC's recommendation by calling for better integration of existing portfolio programs with each other and the new multifamily financing offeringsServices should be provided through a single point of contact that can help a property owner identify the best approach to energy efficiency for the specific needs of that multifamily property.	Yes
	D.12-11-015 recommends program integration that supplements existing programs such as at 39: the California Solar Initiative (CSI) solar thermal program can used alongside the EUC multi-family	Yes

program, "Because there is a separate program under the CSI that offers incentives for solar thermal measures, no additional incentive funding should be authorized through the EUC multi-family program, but may be referred for incentives to the CSI program."

D.12-11-015 at 33, 39, and 48, calls for integration and knowledge sharing encouraged in various multi-family programs, as recommended by CHPC e.g. "Therefore, we require each implementer of a multi-family EUC pilot to participate in a mid-cycle (late 2013 or early 2014) workshop to report on pilot tests and initial lessons learned." (At 33.)

Yes

Yes

D.12-11-015 explicitly endorses CHPC's program financing coordination recommendations. The decision first clarifies that financing and incentives should be jointly offered and coordinated, "We clarify that in 2013, the intent was to experiment with program designs and joint offerings to better understand the best combination of rebates, financing, or both that is appealing to customers," (At 66.). Second, the decision states: "CHPC raised the issue about whether these rebates [MFEER] would continue to be available after multi-family financing becomes available, and that the financing offerings should be coordinated with the rebates. We agree with both of these points." (At 73.)

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

Intervenor CPUC Verified

a. Was the Office of Ratepayer Advocates (ORA) ¹ a party to the proceeding?	Correct	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Correct	Verified
c. If so, provide name of other parties:		Verified
Our position was most closely aligned with Global Green and they were our rethroughout the proceeding, but we also worked with and found common goals		
Greenlining Institute, TURN, DRA, NRDC, Build It Green, BayREN, SoCall MEA.	REN, and the	
d. Describe how you coordinated with ORA and other parties to a duplication or how your participation supplemented, compleme contributed to that of another party: CHPC worked most closely with Global Green is this proceeding. With parties, we explicitly share goals for improved energy efficiency in much housing serving low income residents. However, CHPC has direct accompulti-family property owners and managers who have detailed their explarriers accessing existing programs, which informs CHPC's recomme Therefore CHPC provided extensive briefings and coordinated policy recommendations with these groups, building consensus for program in including whole building audits, single point of contact and program contact and	th these lti-family ess to perience of ndations.	Verified. CHPC coordinated with other parties to reduce duplication, consistent with the guidance provided by ALJ Fitch in her Ruling, dated January 4, 2013.
We consulted with TURN to improve our understanding of their recomfocus on the hottest climate zones. While CHPC is able to generally ag TURN's concern, we urged the CPUC to avoid limiting the geographic pilot programs as this early stage. In coordination with Global Green we recommended a refinement to TURN's proposal suggesting gathering a data about actual energy consumption, costs and energy savings potentic climate zones prior to limiting prospective pilot programs.		
We spoke with NRDC to fully explore our recommendations in this proconcluded that we generally agree with NRDC's approach on cost-effect deferred to that organization to develop policies on this topic.		
We also spoke with Build It Green while developing our comments on Whole-building audits.		
We have had several discussions with ORA mostly related to financing	, particularly	

¹ The Division of Ratepayer Advocates (DRA) was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

On-Bill Repayment, loan loss reserve and CHPC's energy efficiency experience in low income multi-family housing. We have contributed to ORA's understand of this housing sector and the barriers faced.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

a. Concise explanation as to how the cost of Intervenor's participation bears a reasonable relationship with benefits realized through participation:	CPUC Verified
Generally, CHPC advocated for the interests of low-income multi-family tenants and affordable housing building owners/managers. CHPC's objectives in this proceeding are to ensure the Energy Upgrade California – Multi-family Program, the Multi-family Energy Efficiency Rebate Program, the Middle Income Direct Install, the new Regional Energy Network programs and the multifamily energy efficiency financing pilots are effective in the low-income multifamily rental sector. CHPC contributed to the development of a more complete record and ultimately a more informed decision regarding the multifamily sector. The costs of CHPC's participation were reasonable in relation to the benefits to be realized.	Verified
b. Reasonableness of Hours Claimed.	Yes. In its NOI, CHPC
CHPC coordinated with other parties to avoid duplication of efforts (Part II (B)(d) above).	anticipated devoting 600 hours to this
CHPC's total hours claim is conservative for the following reasons:	proceeding. CHPC significantly reduced the
1. CHPC worked diligently to divide labor internally to those best suited for the particular tasks. Megan Kirkeby had primary responsibility for performing substantive research, and for the drafting and review of filings and other proceeding-related documents. Matt Schwartz, CHPC's President/CEO, provided strategic direction, informing the discussion with his high-level expertise on low-income multi-family issues procedure.	number of hours devoted to this proceeding, consistent with the guidance provided by Administrative Law Judge (ALJ) Fitch. In addition, CHPC waived any hours claimed by Ross Nakasone, an
2. Despite his contribution at the beginning of this proceeding, CHPC waives the fee for Ross Nakasone, former CHPC employee.	attorney, who subsequently left CHPC during the proceeding.
As noted above, Section II(B), regarding duplication of efforts, CHPC coordinated closely with other parties and put in extremely minimal time on various issues it had intended to address more fully, once it learned that	daring the proceeding.

other parties would be covering those issues. CHPC also made other parties with similar interests were aware of our planned that they could simply voice their support for our positions, we to spend time themselves on factually and legally developing to		
c. Allocation of Hours by Issue		Yes
Allocation of Hours by Issue		
CHPC's time is allocated by issue category as follows:		
A. Focus proceeding on needs of multifamily sector in 2013-2014;	19%	
B. Encourage all programs to incorporate a whole building performance based approach;	14%	
C. Support integration and coordination of incentive programs with each other, and with financing offerings;	19%	
D. General/Multiple Issues- Work related to review, analysis and preparing comments involving multiple issues; and	40%	
E. Preparation of Intervenor Compensation Claim forms.	8%	
TOTAL	100 %	

B. Specific Claim:*

			CLAIMED				CPUC Aw	/ARD	
	ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$	
Matt Schwartz (Expert and Advocate)	2012	20	\$225	See Comment 1	\$4,500	20	\$225	\$4,500	
Megan Kirkeby (Expert and Advocate)	2012	84.2	\$125	See Comment 2 and 3	\$10,525	84.2	\$125	\$10,525	
	Subtotal: \$15,025.00 Subtotal: \$15,025.00							\$15,025.00	
	INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Item Year Hours Rate Basis for Rate* Total \$ Hours Rate Total \$								

Megan Kirkeby	2013	9	\$62.50	See Comment 2	\$562.50	9	\$65 ²	\$585.00
				Subtotal:	\$562.50		Subtotal:	\$585.00
TOTAL REQUEST \$:					\$15,587.5	TOTAL	AWARD \$:	\$15,610.00

^{*}We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or	Description/Comment
Comment #	Description/Comment
Attachment #1	Certificate of Service
Attachment #2	Time records for Mr. Schwartz and Ms. Kirkeby
Comment #1	Matt Schwartz, President & CEO: As President & CEO of the California Housing Partnership Corporation, Matt plays a leadership role in California in expanding the resources available to preserve and create affordable housing with a focus on sustainability. Matt has worked in the development, planning and financing of affordable housing for more than twenty years in both the private and public sectors and has extensive experience with most government funding programs. In 2010, under Mr. Schwartz's leadership, CHPC created a coalition of local organizations to help owners and residents of low income rental housing better access federal and state energy efficiency retrofit resources and to achieve deeper energy savings.
	Matt is a past President of the Board of Housing California and is recognized as an expert on sustainable affordable rental housing policy in California and nationally. Matt was appointed to the San Francisco Housing Authority Commission by Mayor Gavin Newsom in 2008 and reappointed by Mayor Ed Lee in 2011. Resolution ALJ-281 adopted Intervenor rates for 2012. The range for experts with 13+ years of experience is \$160-\$400. CHPC requests that Mr. Schwartz's hours be billed at \$225 which is his standard rate of billing for public contracts, and is well within the range for his experience level. We believe given his 23 years of experience in affordable housing development and finance, this rate is appropriate.

² Application of Resolution ALJ-287 Cost-of-Living-Adjustment (2013).

Comment #2	Megan Kirkeby, Sustainable Housing Policy Associate: Megan Kirkeby, CHPC's Sustainable Housing Policy Associate, provides program level support for the Green Rental home Energy Efficiency Network (GREEN), as well as supporting CHPC's research, communications, and policy initiatives. Megan received a Bachelor of Arts in Global Economics from the University of California, Santa Cruz and received a Master of Public Policy with a concentration in Urban Planning and Regional Development from the UCLA Luskin School of Public Affairs in June of 2012. Megan has over five years' experience in affordable housing policy. Prior to joining CHPC, Megan was the Policy Associate for the Non-Profit Housing Association of Northern California where she led numerous issue-focused working groups, and provided in depth research on a wide variety of relevant topics. She also participated in the Housing CA Land Use and Finance Committee, as well as the National Low
Comment #3	Income Housing Coalition's State Partner Working Group. Resolution ALJ-281 adopted Intervenor rates for 2012. The range for all experts is \$125-\$390. CHPC requests that Ms. Kirkeby's hours be billed at \$125 which is his standard rate of billing for public contracts, and is at the low end of the range for her experience level. Ms. Kirkeby is new to representing affordable housing issues at the CPUC, but considering Ms. Kirkeby's more than five years' experience in affordable housing policy and research, we believe this rate is appropriate. Her claim preparation time will be requested at ½ of \$125, or \$62.50 per hour. At the start of this proceeding Ross Nakasone, an attorney working for CHPC, assisted Ms. Kirkeby. Mr. Nakasone left CHPC during the proceeding and CHPC will claim no hours for Ross Nakasone's time in the interest of keeping this claim reasonable and conservative.

D. CPUC Disallowances and Adjustments:

#	Reason
1. Adoption of hourly rate(s) for Matt Schwartz.	Resolution ALJ-281 sets rates for experts with 13-plus years of experience at \$160-\$400. Schwartz is the President and CEO of the CHPC. His long-time career in public housing is reflective of the range for experts with 13-plus years of experience. As such, the Commission adopts the rate of \$225 for Schwartz for work he completed in this proceeding in 2012. This hourly rate is reflective of both Schwartz's experience as well as the guidelines set in Resolution ALJ-281.
2. Adoption of hourly rate(s) for Megan Kirkeby.	Resolution ALJ-281 sets rates for experts with 0-6 years of experience at \$130-\$190 per hour. Kirkeby is a sustainable housing policy associate with CHPC. Kirkeby's work for CHPC, including green and land use issues, place her in this category of experts. Although Resolution ALJ-281 has the 2012 hourly rate bracket beginnings at \$130 per hour, the Commission will adopt Kirkeby's 2012 billing rate of \$125 per hour.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

- 1. California Housing Partnership Corporation has made a substantial contribution to Decision 12-11-015.
- 2. The requested hourly rates for California Housing Partnership Corporation's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- 3. The claimed costs and expenses are reasonable and commensurate with the work performed.
 - 4. The total of reasonable compensation is \$15,610.00.

CONCLUSION OF LAW

The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

- 1. California Housing Partnership Corporation is awarded \$15,610.00.
- 2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay California Housing Partnership Corporation their respective shares of the award, based on their California-jurisdictional energy and gas revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 27, 2013, the 75th day after the filing

of California Housing Partnership Corporation's request, and continuing until full payment is made.

3.	The comment period for today's decision is waived.
	This decision is effective today.

Dated ______, at San Francisco, California.

APPENDIXCompensation Decision Summary Information

Compensation		Modifies Decision?	No	
Decision:				
Contribution	D1211015			
Decision(s):				
Proceeding(s):	A1207001 et al.			
Author:	ALJ Edmister			
Payer(s):	Payer(s): Pacific Gas and Electric Company, San Diego Gas & Electric			
	Company, Southern California Edison Company, and			
	Southern California Gas Company			

Intervenor Information

Intervenor	Claim	Amount	Amount	Multiplier?	Reason
	Date	Requested	Awarded		Change/Disallo
					wance
California	1/14/13	\$15,587.50	\$15,610.00	N/A	Application of
Housing					Resolution
Partnership					ALJ-287.
Corporation					
(CHPC)					

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee	Hourly Fee Adopted
Name					Requested	Adopted
Matt	Schwartz	Expert	CHPC	\$225	2012	\$225
Megan	Kirkeby	Expert	CHPC	\$125	2012	\$125
Megan	Kirkeby	Expert	CHPC	\$125/\$62.50	2013	\$130/\$65